



**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/063,335	04/20/98	NORTHCUTT	J 830001013/P.

022804  
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WMS1/1026

EXAMINER

VU, V

ART UNIT

PAPER NUMBER

2154

DATE MAILED:

10/26/00

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/063,335

Applicant(s)

Northcutt et al

Examiner

V. Vu

Group Art Unit

2154

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE —3— MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

☒ Responsive to communication(s) filed on 10-11-00

☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1-48 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-48 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

**DETAILED ACTION**

1. This office action responds to applicant's amendment filed on 10/11/2000.

**Art Rejections:**

2. The rejection of claims 1-2, 5-13, 16-24, 27-31, 33, 35-38 and 42-48 under 35 U.S.C. § 102(e) as being clearly anticipated by Diener, U.S. pat. No. 5,784,562, paper #12, mailed 7/6/2000, is hereby incorporated by reference.

3. The rejection of claims 3-4, 14-15, 25-26, 32, 34 and 39-41 under 35 U.S.C. § 103(a) as being unpatentable over Diener, and White, U.S. pat. No. 5,983,273, paper #12, mailed 7/6/2000, is hereby incorporated by reference.

**Response to Amendment:**

4. Applicant's arguments filed on 10/11/2000 with respect to claims 1-48 are not deemed persuasive.

Applicant alleges that Diener does not teach or suggest a stateless human interface device.

This is not found persuasive. Diener discloses a conventional web browser using http protocol which is widely recognized in the

art as a stateless human interface device (see col 5, lines 17-30). Particularly, the browser does not require persistent communications between users and servers at all times which would meet applicant's definition of a stateless machine. For instance, a conventional web browser allows a user to temporarily disconnect communication with the web server and the interface and then reconnect communication with the web server and the interface at later time. As such, the examiner is unable to find any distinction between the claimed stateless device and Diener's web browser. Applicant fails to point out specific claim limitation that is missing in the web browser or any claim function that the web browser cannot perform.

Applicant also alleges that Diener does not teach or suggest maintaining an active session associated with a user when the user is disconnected from the interface device.

This is not found persuasive. Diener clearly discloses maintaining an active session between the user and the web server during the discontinuity of the physical communication channel between the user and the server which would meet the claim limitation. A session is defined in Diener as a session between user and a data source, i.e., web server. It is not a session between user and the interface per se. The web browser is merely to provide an user interface to the web server. Thus, a break of

physical connection between the user and the server in a particular situation would be reasonably considered as a break of communication between the user and interface. When the network connection is interrupted, it cannot be said that the user still maintains a communication with a technically non-functional terminal.

Applicant further alleges that Diener fails to teach maintaining an active session at the data source when there is no longer a dialog between the interface and the data source.

The examiner is unable to find the alleged limitation in the present claims.

Applicant also alleges that there is no discussion of prior art teachings corresponding to certain claim limitations including identifier used by a user for a session and a service provider performing computations.

This is not found persuasive. Diener teaches using client ID and session ID to associate client with an active session (see steps 304, 308, fig. 3). Furthermore, in Diener, the web server performs computations for client-initiated transactions.

**Conclusion:**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is (703) 305-9597. The examiner can normally be reached on Monday through Friday from 7:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



**VIET D. VU  
PRIMARY EXAMINER**

Art Unit 2758  
10/24/00